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PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bybee et al.  
Serial No : 10/627,415  
Filed : July 25, 2003  
Title : Two-Axis Robot for Specimen Transfer  
Art Unit : 3652

**PETITION UNDER 37 CFR 1.47(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

This is a Petition under 37 CFR 1.47(a) to file an application where a joint inventor refuses to sign or cannot be reached. In this case, four of the six joint inventors have not responded to a request to sign a Declaration and assignment for the application. Since the request was received by the non-signing inventors, the absence of a response is presumed by the applicants to be a refusal to sign. The pertinent facts and proof are as follows.

On October 21, 2003 a letter was sent to Tom Bybee, Dave Murphy, Steve Wright and Sheri Kime, four of the joint inventors in the above-identified patent application, requesting that they each sign a declaration for the application, and an assignment of the application. Copies of the letters are attached hereto. All of the inventors were employees of LAB-InterLink, Inc. at the time of the invention, but the four non-signing inventors have since been terminated from their positions, prior to the preparation of the patent application identified above.

The letter to Mr. Bybee was delivered to Mr. Bybee on October 23, 2003, as indicated in the copy of the Return Receipt, attached to the copy of the letter.

The letters to Dave Murphy, Steve Wright and Sheri Kime were all delivered on October 22, 2003, as noted in the attached tracking notices for each of the letters. It is also noted in each letter that a failure to respond to the requests by October 31, 2003 would be presumed to indicate an unwillingness to sign. As of the date of this Petition, no response has been received from any of the four non-signing inventors.

The remaining joint inventors hereby petition the Patent Office to receive and prosecute the above patent application on behalf of the non-signing inventors, in accordance with the provisions of 37 CFR 1.47(a). This Petition is accompanied by the requisite fee of \$130.00 under 37 CFR 1.17(h). The addresses of the non-signing inventors are as follows:

Thomas L. Bybee  
10285 Grand Ave.  
Omaha, NE 68134

Dave Murphy  
Box 83  
Goodwood, Ontario  
Canada L0C 1A0

Sheri Kime  
2000 Bensfort Road  
RR#6  
Peterborough, Ontario  
Canada K9J 6X7

Steve Wright  
159 Fife's Bay Road  
Peterborough, Ontario  
Canada K9J 6X2

It is believed that the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

If any further information is required to expedite this process, please feel free to contact the undersigned.

Respectfully submitted,



George R. Nimmer  
Registration No. 21,004  
Attorney of Record

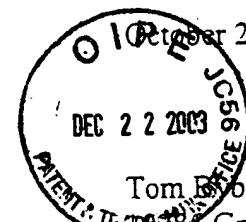
PO Box 252  
Omaha, NE 68101-0252  
(402) 393-0151

# LAB-InterLink

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OCTOBER 21, 2003

DEC 22 2003

Tom Bybee

10285 Grand Avenue  
Omaha, NE 68134

Via Certified Mail

Dear Tom:

1. Article Addressed to:

TOM BYBEE  
10285 GRAND AVE  
OMAHA, NE 68134

2. Article Number

(Transfer from service label)

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PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15-

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Agent

Addressee

B. Received by Printed Name

BETTY BYBEE

10-23-03

Yes

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D. Is delivery address different from Item 1?  Yes

No

3. Service Type

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Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

You have been identified as an original inventor for the pending patent(s) noted below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Specimen Carrier Transfer Apparatus for a Conveyor Track
- Transfer and Positioning Apparatus for Automated Conveyor System
- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell  
Director, Administration  
LAB-InterLink, Inc.  
1011 S. Saddle Creek Road  
Omaha, NE 68106  
Phone: 402-595-3767 ext. 2847  
Fax: 402-595-1375  
Email: mrussell@labinterlink.com

Production Facility:

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Omaha, Nebraska 68127  
USA  
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Fax: 402-331-2083

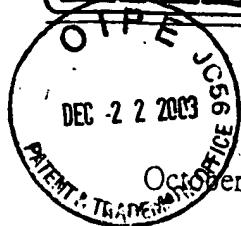
LAB-InterLink Canada:

2015 Fisher Drive  
Peterborough, Ontario K9J 7A2  
800-661-5229  
705-876-1220  
Fax: 705-876-1499

Lab-Interlink Europe:

1, Halamish Street  
Hod Hasharon 45502  
Israel  
+972 9744 6926  
Fax: +972 9744 6818

1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951



October 21, 2003

Dave Murphy  
Box 83  
Goodwood, Ontario  
Canada L0C 1A0

*Via Certified Mail*

Dear Dave:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

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Sincerely,

Maria Russell  
Director, Administration  
LAB-InterLink, Inc.  
1011 S. Saddle Creek Road  
Omaha, NE 68106  
Phone: 402-595-3767 ext. 2847  
Fax: 402-595-1375  
Email: mrussell@labinterlink.com

Production Facility:

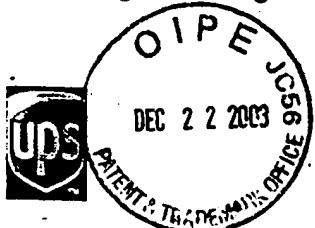
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USA  
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Fax: 402-331-2083

LAB-InterLink Canada:

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Peterborough, Ontario K9J 7A2  
800-661-5229  
705-876-1220  
Fax: 705-876-1499

Lab-InterLink Europe:

1, Halamish Street  
Hod Hasharon 45502  
Israel  
+972 9744 6926  
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	7:41 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	7:40 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	11:59 P.M.	CONCORD, ON, CA	DEPARTURE SCAN
Oct 22, 2003	6:05 P.M.	CONCORD, ON, CA	P.O. BOX, NOT DELIVERED; ADDRESS CORRECTED, DELIVERY RESCHEDULED
	4:31 P.M.	CONCORD, ON, CA	NO SUCH STREET, NOT DELIVERED
	5:13 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
Oct 21, 2003	7:53 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:52 A.M.	US	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: Oct 28, 2003 12:42 P.M. Eastern Time (USA)

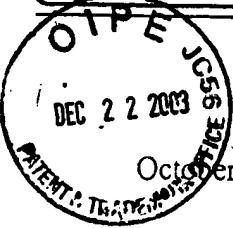
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# LAB-InterLink®

1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951



October 21, 2003

Steve Wright  
159 Fife's Bay Road  
Peterborough, Ontario  
Canada K9J 6X2

*Via Certified Mail*

Dear Steve:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find an Assignment document for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

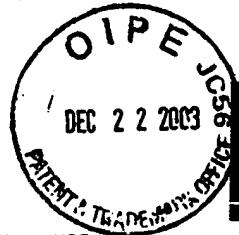
Sincerely,

Maria Russell  
Director, Administration  
LAB-InterLink, Inc.  
1011 S. Saddle Creek Road  
Omaha, NE 68106  
Phone: 402-595-3767 ext. 2847  
Fax: 402-595-1375  
Email: mrussell@labinterlink.com

Production Facility:  
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USA  
402-331-2082  
Fax: 402-331-2083

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2015 Fisher Drive  
Peterborough, Ontario K9J 7A2  
800-661-5229  
705-876-1220  
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**Delivered on:** Oct 22, 2003 1:34 P.M.  
**Location:** FRONT DOOR  
**Delivered to:** 159 FIFES BAY ROAD  
 PETERBOROUGH, CA K9J  
**Shipped or Billed on:** Oct 21, 2003

**Tracking Number:** 1Z 3E4 73V 66 9361 924 0  
**Reference Number(s):** 3E473VTQ33  
**Service Type:** EXPRESS

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**Package Progress:**

Date	Time	Location	Activity
Oct 22, 2003	1:34 P.M.	PETERBOROUGH, ON, CA	DELIVERY
	8:21 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
Oct 21, 2003	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:54 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:39 A.M.	US	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: Oct 28, 2003 12:44 P.M. Eastern Time (USA)

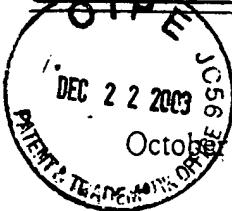
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October 21, 2003

Sheri Kime  
2000 Bensfort Road  
RR#6  
Peterborough, Ontario  
Canada K9J 6X7

*Via Certified Mail*

Dear Sheri:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

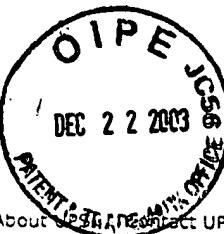
A handwritten signature in cursive ink that reads "Maria Russell".

Maria Russell  
Director, Administration  
LAB-InterLink, Inc.  
1011 S. Saddle Creek Road  
Omaha, NE 68106  
Phone: 402-595-3767 ext. 2847  
Fax: 402-595-1375  
Email: mrussell@labinterlink.com

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Omaha, Nebraska 68127  
USA  
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Fax: 402-331-2083

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Delivered on:	Oct 22, 2003 12:49 P.M.
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Location:	RESIDENTIAL
Delivered to:	2000 BENSFORT ROAD <a href="#">PETERBOROUGH, CA K9J</a>
Shipped or Billed on:	Oct 21, 2003
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Reference Number(s):	3E473VTK3MG <a href="#">EXPRESS</a>

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	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
Oct 21, 2003	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:53 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:43 A.M.	US	BILLING INFORMATION RECEIVED

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